



LEYDIG VOIT & MAYER LTD
TWO PRUDENTIAL PLAZA
SUITE 4900
180 NORTH STETSON STREET
CHICAGO IL 60601-6780

Paper No. 4
COPY MAILED

SEP 07 2000

**SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS**

In re Application of
Specht et al.
Application No. 09/514,711
Filed: February 28, 2000
Attorney Docket No. 203947
For: MOPS AND MOP COMPONENTS

:
:
: DECISION REFUSING
: STATUS UNDER
: 37 CFR 1.47(a)
:

This is a decision on the petition under 37 CFR 1.47(a), filed July 31, 2000.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on February 28, 2000 without an executed oath or declaration. Accordingly, on April 26, 2000, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on July 31, 2000, petitioner filed a petition for a two month extension of time and required fee, a declaration executed by joint inventor Specht, the surcharge, the petition fee, and the instant petition. A declaration of facts of Timothy Molek, the assignee of the invention, accompanies the petition. Mr. Hughes states that he was unable to discover the whereabouts of Mr. Edgar Wagner, the non-signing inventor.

A grantable petition under 37 CFR 1.47(a) requires

- (1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort.
- (2) a proper oath or Declaration executed by the available joint inventor(s),
- (3) the fee of \$130 as specified in 37 CFR § 1.17(h), and
- (4) the last known address of the omitted inventor(s).

This petition lacks item (1) above.

As to item (1), Rule 47 applicant has failed to show that the inventor cannot be reached. Mr. Molek states that he received information from an unnamed source that Mr. Wagner had moved from his last known address and that no one Mr. Molek contacted knew Mr. Wagner's current address. Mr. Molek asserts that he made calls to Mr. Wagner's last known telephone number, but no one returned his messages. These efforts do not establish that Mr. Wagner cannot be reached. A copy of the application papers should be sent to the last known address of the non-signing

inventor with a request that he sign the declaration for the patent application and a request for a forwarding address. If the papers are returned and other attempts to locate the inventor, e.g. through an Internet search, e-mail or the telephone continue to fail, then applicant will have established that the inventor cannot be reached.

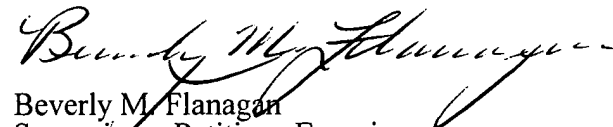
Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By facsimile: (703) 308-6916
Attn: Special Program Law Office

By hand: Special Program Law Office
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries should be directed to Petitions Attorney E. Shirene Willis at (703) 308-6712.


Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy